

RI Water Resources Board
100 North Main Street
Providence, Rhode Island 02903
401-222-2217 tel
401-222-4707 fax

PUBLIC DRINKING WATER PROTECTION COMMITTEE

MINUTES OF MEETING

January 4, 2005

Members Present: Members Absent:

Robert Griffith Frank Perry

June Swallow

William Stamp

Alicia Good

Staff Present: Guests:

Kathleen Crawley William Nunnery Richard Sinappi

William Riverso Donald Mehrtens Stan Knox

**Beverly O'Keefe Robert Stewart Allen Champagne
Connie McGreavy Pamela Marchand Martha Cruciani
Ariana Johnson**

1. CALL TO ORDER: Chairman Griffith noted that a quorum was not present and called the meeting to order at 12:05 a.m. Mr. Griffith explained to the guests that formal action cannot be taken on the items for action. He stated that the procedures to be followed for this meeting will be that the items are to be reviewed and discussed and then an unofficial report would be made to the Board as to the understanding of the items and the Chairman's view on the items.

2. APPROVAL OF MINUTES: Lacking a quorum, Mr. Griffith deferred approval of the minutes to a later meeting.

3. ITEMS FOR ACTION:

A. SUPPLEMENTAL WATER SUPPLY STUDY PHASE II:

(1) Maguire Group Invoice #5 for \$9,738.75 - Request for Approval

Mr. Griffith introduced the item. Ms. Crawley reported that a project review meeting was held recently with staff and Maguire Group and

that Maguire Group will be making a status report presentation at today's meeting and one at the Board meeting. She introduced Mr. William Nunnery, Principal Engineer on the study for Maguire Group. He reported that the focus of the study is to analyze and evaluate the requirements and prepare alternative solutions for emergency water supply to all of the water systems of the state except for those already evaluated in Phase I, which mainly focused on Providence Water Supply Board. He stated that Maguire provided a draft of a first report to Board staff, which contained collection of data from the water suppliers with a write-up of each system summarizing the existing conditions, and how each system works. He added that an inventory of GIS mapping was also included with remaining needed requirements identified. He stressed that confidentially requirements are being maintained. He reported that Maguire Group is proposing to Staff to divide the state up into six principal study areas as we move forward with further reporting. Further discussion ensued. Mr. Griffith stated that the payment request would be taken to the Board.

B. RI PUBLIC DRINKING WATER PROTECTION PROGRAM - PHASE III:

(1) UNITED WATER RHODE ISLAND (UWRI) - WATERSHED PROTECTION LAND EASEMENT ACQUISITION PROJECT - Requested Amount \$270,000.00; Recommended Payment \$270,000.00 - Request for Approval –

Mr. Griffith introduced the item. He introduced Mr. Stan Knox, Manager of UWRI. Mr. Knox reported that this conservation easement fits right in to what this program is all about- precluding building of residential lots within the watershed area, acquiring land adjacent to other protected parcels and providing security. Mr. Knox added that Stewart Nursery has been a good neighbor and friendly to the UWRI operations, who doesn't abuse the land by over fertilizing with herbicides and pesticides. He relates that the main products of the Nursery are seedlings that are harvested every several years and do not require spring and fall fertilizing, as do other products. Ms. Crawley reported that Mr. Knox and Ms. Kay were asked to come to the committee meeting today as a follow up on questions raised by the committee from the previous meeting. Mr. Griffith introduced Ms. Kay the Phase III program legal counsel. She reported that the subject property directly abuts other lands owned by UWRI or preserved by other easements so that UWRI is adding to a contiguous number of projects protecting its wellhead area. She added, that being aware that this property was a Nursery, just like development rights projects done with farms on Aquidneck Island for Newport Water, specific language was placed in the conservation easement that allows use of pesticides and herbicides but require their conformance with best management practice as defined by RIDEM's Division of Agriculture which is the standard used by RIDEM and the United States Department of Agriculture in protecting properties. Ms. Kay also reiterated that the value of the property exceeded the easement price and that the Board through this program has accomplished many

projects with the assistance and partnering of the South Kingston Land Trust. Mr. Riverso reported that a copy of the conservation easement that will be executed is in the package. Further discussion ensued with Mr. Robert Stewart of Stewart Nursery offering background information of the property. Mr. Griffith stated that the additional information was sufficient to bring this item forward to the full Board.

(2) HARRISVILLE FIRE DISTRICT (HFD) – WATERSHED PROTECTION LAND ACQUISITION PROJECT - Request for Eligibility - Request for Acceptance –

Mr. Griffith introduced the item. Mr. Riverso reported that this request was considered at the December 7, 2004 Public Drinking Water Protection committee (PDWP) meeting and tabled requesting further information and attendance of HFD representatives at the next PDWP meeting. He noted that Mr. Richard A. Sinappi, Esq., Legal Counsel for HFD and Mr. Donald Mehrrens, Chairman of HFD were present. He stated that the project under consideration is for costs to acquire by condemnation a certain parcel of land for the purposes of watershed protection. Mr. Sinappi briefed the committee. He described by using a map the delineated adjacent properties and showed that the eastern portion of the subject property falls within the 400-foot radii of HFD's well two and three. He explained that the wells are currently in violation of applicable regulatory rules relative to the minimum

wellhead protection radius and that acquiring the entire property makes sense for economic and security reasons. Mr. Griffith asked for further clarification of points on the map. Mr. Mehrtens provided a response to positions on the map such as structures and contours, etc. Mr. Griffith reviewed the recommendation and asked for current status of the project. Mr. Sinappi responded that HFD is prepared to proceed with condemnation. Mr. Griffith stated that he found the additional information sufficient to bring this item forward to the full Board for eligibility acceptance. In addition, Mr. Griffith directed staff to confer with Bond Counsel.

(3) PAWTUCKET WATER SUPPLY BOARD – REQUISITION #5 FOR RAW WATER QUALITY IMPROVEMENT PROTECTION - BRUSH CLEARANCE - Requested Amount \$53,360.00; Recommended Payment \$53,360.00 - Request for Approval – Mr. Griffith introduced the item. He recognized Ms. Pamela Marchand; General Manager of PWSB. She briefed the committee providing background information and addressed concerns that were raised by the committee from the previous meeting. She stated that this would be a one time extraordinary effort to clean these areas. The expenses are above and beyond their scheduled maintenance program and exceed the scope of routine maintenance. Mr. Griffith asked if there was any opportunity to recover any costs from the harvested timber. Mr. Allen Champagne, Source Water Manager for the PWSB stated that the timber being cleared has no retail value but has considered this prospect for future work. Mr. Griffith stated that the Board has

experience in this type of work and offered Board's guidance if needed. Mr. Griffith asked if staff is satisfied with PWSB input. Mr. Riverso stated yes and that all supporting documentation was in order. Mr. Griffith reviewed the recommendation. Mr. Riverso clarified that this one-time expense will be made up of two reimbursement requests with today's requisition #4 for \$53,360.00 plus a future requisition in the amount of \$57,710.00. Mr. Griffith stated that he found the additional information sufficient and would bring this item forward to the full Board.

(4) TOWN OF WESTERLY WATER DEPT. – WATER QUALITY IMPROVEMENT PROJECT – Eligibility Request for a MIOX Study - Request for Approval –

Mr. Griffith introduced the item. Mr. Riverso reported the request was approved at the PDWP sub committee level but tabled at the December 14, 2004 Board Corporate meeting pending review and opinion by Bond Counsel. He stated that staff forwarded the Board's request in a letter to Mr. Norm Benoit, Esq. who has responded by letter stating that consideration of this project falls within the sound discretion of the Board as an eligible expenditure. Hence, that discretion either way would be fully consistent with the bond documentation. Ms Crawley briefed chairman Griffith on background and concerns the committee had from the previous meeting. Mr. Griffith stated that the additional information was sufficient to bring this item forward to the full Board for eligibility approval and that the subcommittees original recommendation should stand.

C. WATER SUPPLY SYSTEMS MANAGEMENT PLANS (WSSMP):

(1) CITY OF EAST SMITHFIELD WATER DISTRICT (ESWD) – WSSMP - 30-MONTH INTERIM REPORT – Request for Approval

Mr. Griffith introduced the item. Ms. O’Keefe reported that ESWD submitted their 30-Month Interim Report, which provided information on plan implementation and updated water system data. She stated that it was mostly complete but she had concerns with the non-account water information and ESWD was questioned on this. She related that ESWD provided additional information regarding a leak that was found and corrected. She added that the RI Departments of Health and Environmental Management submitted review letters with no comments and a finding of being complete. She recommended acceptance. Mr. Griffith stated that he would carry the recommendation to the full Board.

(2) KINGSTON WATER DISTRICT (KWD) – WSSMP - 30-MONTH INTERIM REPORT – Request for Approval

Mr. Griffith introduced the item. Ms. O’Keefe reported that KWD 30-Month Interim report was submitted and reviewed by staff and the review agencies. She stated that it was mostly complete but had one question regarding a discrepancy in reporting on the Fairground Road water supply source. She explained that their approved WSSMP reported that the Fairground Road water supply was described as a

potential source of water with notes stating that this well is located in the vicinity of a site that had been contaminated with mercury, water quality monitoring and flow modeling would have to be initiated prior to long term use of the well. She stated that this reference had been omitted in the 30-Month Interim Report and questioned KWD. She reported that KWD stated that the site is downstream of the potential well source and that the Department of Environmental Management has mitigated the property. The property was cleaned up and is currently up for sale. Water quality monitoring and flow monitoring will not be required. She added that the RI Departments of Health and Environmental Management submitted review letters with no comments and a finding of being complete. She recommended acceptance. Mr. Griffith stated that he would carry the recommendation to the full Board.

D. GROUNDWATER PROTECTION/ACQUISITION PROGRAM:

(1) CONCEPTUAL APPROVAL OF SITE DEVELOPMENT RIGHTS ACQUISITIONS – Request for Approval

Mr. Griffith introduced the item. Mr. Riverso reported that Mr. Steve Donohue, General Manager, of Tuckahoe Turf, Inc. has informed the Board of his company's interest in selling development rights to their property, which contains 4 well sites identified and investigated in this program. He stated that this item was tabled at the last meeting as one of the members requested an opinion from Board Counsel

regarding any ethical concerns before entering into any negotiations because Mr. Donohue is a former Board member. He reported that a letter was forwarded Rebecca Partington, Esq. Board legal counsel. She responded in a letter stating that since Mr. Donohue's ties to the Board have been officially severed well beyond one year to date no ethical violation will result if the RIWRB opts to proceed with the development rights matter. Mr. Riverso further reported that for additional consideration there is site RIW 500, which is near the Tuckahoe Turf sites and should be included in the appraisal process at this time. He added, that this site's wellpoint is on state property already protected and to complete the protection of the desired 400' wellhead area; development rights need to be acquired from the adjacent owners. Mr. Griffith agreed with legal counsel's opinion. He reviewed the recommendation and found the additional information sufficient to bring this item forward to the full Board.

4) ITEMS FOR DISCUSSION:

A. WATER ALLOCATION PROGRAM – Update

1). Implementation Team – Update - Mr. Griffith introduced the item. Ms. O'Keefe reported that the last meeting of the Water Allocation Implementation Team was held on December 8, 2004 and that a Strategic Planning session is being planned for February or March

2005. She stated that the Implementation Team has completed the scheduled series of meetings and staff will now prepare a final draft document that includes preparation of a report on the Lower Blackstone basin with sub-basin fact sheets.

2). Expanded Water Reporting/Water Data – Update - Mr. Griffith introduced the item. Ms. McGreavy reported that one of the most immediate and central recommendations of the water allocation program is for expanded water data reporting. Toward this end, staff conducted several meetings with representatives of various agencies to determine how to formally share existing water data and collect new information that would be of mutual benefit. She stated that in doing past research, a 1990 USGS publication for a Plan for Developing A Water-use Data Program in Rhode Island, laid out both technical and management concerns which is instructive. She referenced a list of those technical concerns in her memo and stated today they are being coordinated by RI DOA Division of Technology. She added that management concerns are tied to funding and sophisticated human resources. She stated that her recommendation addresses this and the grant request will reflect this. She reported that the US Environmental Protection Agency issued a grant notice this fall for development of an Environmental Information Exchange Network, an Internet and standards-based network that supports the electronic collection, exchange and integration of environmental data. She recommends that the agency identify potential grant partners, further develop the concept of a water quantity data flow, vigorously

advocate for sustained funding dedicated to MIS through the normal budget process and formal data sharing agreements with all state agencies represented on the Board at a minimum.

B. DROUGHT MANAGEMENT PROGRAM – Update

Mr. Griffith introduced the item. Ms. O’Keefe reported that precipitation throughout Rhode Island ending November was generally normal with rainfall slightly above normal at T.F. Green State Airport. Groundwater levels were generally above normal in southeastern Rhode Island including Block Island and surface water flows at the end of November 2004 were normal for Massachusetts and Rhode Island. She stated that the Scituate Reservoir was 79% full at the end of December 2004.

C. WATER SUPPLY SYSTEMS MANAGEMENT PLAN PROGRAM – Update

Mr. Griffith introduced the item. Ms. O’Keefe reported that all 28 plans have been approved. The review process of the interim reports and updates is moving forward and that staff is preparing to meet with the water suppliers and review agencies to discuss the development of the next generation of plans. She added that work is also being done with the Statewide Planning Program for the affordable housing initiative.

D. RI PUBLIC DRINKING WATER PROTECTION PROGRAM - Update

Mr. Riverso reported that 35% of Phase III funds totaling \$1,880,664.66

has been reimbursed to the water suppliers. He stated that this total includes \$1,141,386.00 for watershed protection projects and \$739,278.66 for water quality improvement projects. He reported that 2 of 17 suppliers have completed Phase III. He stated that a letter was sent to the participants requesting a schedule of project submittals and that a few suppliers have responded in writing. He added that follow up phone calls would be made to the remaining water suppliers.

5. OTHER BUSINESS:

A. PUBLIC DRINKING WATER PROTECTION STAFF ACTIVITIES

6. ADJOURNMENT: Mr. Griffith adjourned the meeting at 1:29 p.m.

Respectfully submitted,

Robert Griffith

Chairman

Note: The complete proceedings of this meeting are available on audiotape by request.

Overseeing Body: RI Water Resources Board

Public Body: RI Water Resources Board

Public Contact Information: Connie McGreavy

Posting Date: March 7, 2005